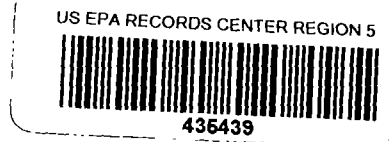




**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 05 2011



REPLY TO THE ATTENTION OF:  
**SE-5J**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Durable Coatings Corporation  
c/o Regis Michrina, Chief Executive Officer  
170 Selig Drive SW  
Atlanta, Georgia 30336

RE: Durable Coatings Site, 16500 Northville Road, Plymouth, Michigan  
Site ID: C521  
General Notice of Potential Liability and Request for Information

Dear Mr. Michrina:

The U.S. Environmental Protection Agency (EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment at the above referenced Site, and is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.* (CERCLA), unless EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the Site, and persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of the hazardous substances at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement costs.

EPA is currently planning to conduct the following actions at the above-referenced Site.

1. Develop and implement a site-specific Health and Safety Plan, including an Air Monitoring Plan, and a Site Emergency Contingency Plan;
2. Develop and implement a Site Work Plan and Site Security Plan;
3. Inventory, perform hazard characterization, and sample all suspected hazardous substances contained or uncontained in compliance with a site-specific QA/QC Plan;

4. Address other contaminated media in accordance with Applicable, Appropriate, and Relevant Requirements to the extent practicable;
5. Consolidate, package, hazardous substances, pollutants and contaminants for transportation and off-site disposal;
6. Dismantle and/or decontaminate contaminated structures as necessary;
7. Transport and dispose of all characterized or identified hazardous substances, pollutants, wastes, or contaminants that pose a substantial threat of release at a RCRA/CERCLA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 C.F.R. §300.440).

EPA has received information that you may have owned or operated the Site or generated or transported hazardous substances that were disposed of at the Site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse EPA for costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the Site. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse EPA for its costs. If a consent order cannot be promptly concluded, EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an EPA Small Business Regulatory Enforcement Fairness Act Information Sheet (Enclosure A), which may be helpful if you are subject to an EPA enforcement action.

Because of the conditions described above, EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify EPA in writing within fourteen (14) calendar days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse EPA for its costs. If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the Site and that you have declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in a voluntary cleanup action, or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities already underway; however, you are advised to report

the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

In addition, EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of EPA has the authority to require any person who has or may have information relevant to any of the following to furnish EPA with such information: (1) the identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at, or transported to, a facility; (2) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (3) the ability of a person to pay for or perform a cleanup. Pursuant to Section 104(e) of CERCLA, you are hereby requested to submit the following information concerning the Durable Coatings Site in Plymouth, Michigan:

1. Copies of the last three years of tax returns, including any filed amendments – Internal Revenue Service (IRS) forms 1120, 1120A, 1120S, and/or 1065, as appropriate.
2. Completed IRS form 4506-T with an original signature (see Enclosure B.)

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody, or control relating the Durable Coatings Site in Plymouth, Michigan. The relevant time period for this request is tax years 2008 - 2010.

This request is directed to your company, its officers, directors, and employees, and its subsidiaries, divisions, facilities and its officers, directors, and employees. The information sought herein must be sent to EPA within fourteen (14) calendar days of your receipt of this letter. Failure to respond fully and truthfully to this request, or to adequately justify any failure to respond, may result in an enforcement action against you by EPA under Section 104 of CERCLA, as amended. The information requested herein must be provided notwithstanding its possible characterization as confidential information. You may request however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to EPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the

signatory should so notify EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001. The EPA has the authority to use the information requested herein in any administrative, civil or criminal action.

Your responses to both the notice of potential liability and the information request are due within fourteen (14) calendar days. Please send your responses to:

Cheryl McIntyre  
U.S. EPA, Region 5  
Enforcement Services Section #1  
77 West Jackson Boulevard, SE-5J  
Chicago, Illinois 60604-3590

If you need further information regarding this letter, you may contact Cynthia King, Office of Regional Counsel, (312) 886-6831 or by email at [king.cynthia@epa.gov](mailto:king.cynthia@epa.gov). Due to the nature of the problem at this Site and the attendant legal ramifications, EPA strongly encourages you to submit your written responses within the time frames specified herein. We hope you will give this matter your immediate attention.

Sincerely,

  
Jason El-Zein, Chief  
Emergency Response Branch #1

Enclosure: Enclosure A - SBREFA Information Sheet  
Enclosure B - IRS Form 4506T



United States  
Environmental Protection  
Agency

Office of Enforcement and Compliance Assurance (2201A)  
EPA 300-F-07-003 October 2007

*Office of Enforcement and Compliance Assurance*  
**INFORMATION SHEET**

## **U. S. EPA Small Business Resources**

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### **Compliance Assistance Centers**

([www.assistancecenters.net](http://www.assistancecenters.net))

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

#### **Agriculture**

([www.epa.gov/agnculture](http://www.epa.gov/agnculture) or 1-888-663-2155)

#### **Automotive Recycling Industry**

([www.ecarcenter.org](http://www.ecarcenter.org))

#### **Automotive Service and Repair**

([www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK)

#### **Chemical Industry**

([www.chemalliance.org](http://www.chemalliance.org))

#### **Construction Industry**

([www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911)

#### **Education**

([www.campuserc.org](http://www.campuserc.org))

#### **Healthcare Industry**

([www.hercenter.org](http://www.hercenter.org) or 1-734-995-4911)

#### **Metal Finishing**

([www.nmfrc.org](http://www.nmfrc.org) or 1-734-995-4911)

#### **Paints and Coatings**

([www.paintcenter.org](http://www.paintcenter.org) or 1-734-995-4911)

#### **Printed Wiring Board Manufacturing**

([www.pwbrc.org](http://www.pwbrc.org) or 1-734-995-4911)

#### **Printing**

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#### **Transportation Industry**

([www.transource.org](http://www.transource.org))

#### **Tribal Governments and Indian Country**

([www.epa.gov/tribal/compliance](http://www.epa.gov/tribal/compliance) or 202-564-2516)

#### **US Border Environmental Issues**

([www.bordercenter.org](http://www.bordercenter.org) or 1-734-995-4911)

The Centers also provide State Resource Locators ([www.envcap.org/statetools/index.cfm](http://www.envcap.org/statetools/index.cfm)) for a wide range of topics to help you find important environmental compliance information specific to your state.

### **EPA Websites**

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

#### **EPA's Home Page**

[www.epa.gov](http://www.epa.gov)

#### **Small Business Gateway**

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

#### **Compliance Assistance Home Page**

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#### **Office of Enforcement and Compliance Assurance**

[www.epa.gov/compliance](http://www.epa.gov/compliance)

#### **Voluntary Partnership Programs**

[www.epa.gov/partners](http://www.epa.gov/partners)

Office of Enforcement and Compliance Assurance: <http://www.epa.gov/compliance>



Recycled/Recyclable  
Printed with Soy/Canola Ink on paper that contains at least 30% post consumer fiber

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## Office of Enforcement and Compliance Assurance INFORMATION SHEET

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##### Office of Enforcement and Compliance Assurance

[www.epa.gov/compliance](http://www.epa.gov/compliance)

##### Voluntary Partnership Programs

[www.epa.gov/partners](http://www.epa.gov/partners)

## U.S. EPA SMALL BUSINESS RESOURCES

### Hotlines, Helplines & Clearinghouses

([www.epa.gov/epahome/hotline.htm](http://www.epa.gov/epahome/hotline.htm))

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center  
([www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act  
([www.epa.gov/superfund/resources/infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information  
([www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers  
([www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse))

National Response Center to report oil and hazardous substance spills.  
([www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802)

Pollution Prevention Information Clearinghouse  
([www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or 1-202-566-0799)

Safe Drinking Water Hotline  
([www.epa.gov/safewater/hotline/index.html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information  
([www.epa.gov/ozone](http://www.epa.gov/ozone) or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries  
(1-202-554-1404)

Wetlands Helpline  
([www.epa.gov/owow/wetlands/wetline.html](http://www.epa.gov/owow/wetlands/wetline.html) or 1-800-832-7828)

### State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman  
([www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888)

Small Business Environmental Homepage  
([www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org) or 1-724-452-4722)

### Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy  
([www.epa.gov/compliance/incentives/smallbusiness](http://www.epa.gov/compliance/incentives/smallbusiness))

Audit Policy  
([www.epa.gov/compliance/incentives/auditing](http://www.epa.gov/compliance/incentives/auditing))

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*



Form

**4506-T****Request for Transcript of Tax Return**

(Rev. January 2011)

OMB No. 1545-1872

Department of the Treasury  
Internal Revenue Service

► Request may be rejected if the form is incomplete or illegible.

**Tip.** Use Form 4506-T to order a transcript or other return information free of charge. See the product list below. You can quickly request transcripts by using our automated self-help service tools. Please visit us at [IRS.gov](http://IRS.gov) and click on "Order a Transcript" or call 1-800-908-9948. If you need a copy of your return, use Form 4506, Request for Copy of Tax Return. There is a fee to get a copy of your return.

<b>1a</b> Name shown on tax return. If a joint return, enter the name shown first.	<b>1b</b> First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)
<b>2a</b> If a joint return, enter spouse's name shown on tax return.	<b>2b</b> Second social security number or individual taxpayer identification number if joint tax return
<b>3</b> Current name, address (including apt., room, or suite no.), city, state, and ZIP code (See instructions)	
<b>4</b> Previous address shown on the last return filed if different from line 3 (See instructions)	

- 5** If the transcript or tax information is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number. The IRS has no control over what the third party does with the tax information.

US EPA Chicago, IL 60604 (312)353-9531  
 77 West Jackson Blvd. Attn: Cyndie Mack-Smeltzer (MF-10J)

**Caution.** If the transcript is being mailed to a third party, ensure that you have filled in line 6 and line 9 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy.

- 6** Transcript requested. Enter the tax form number here (1040, 1065, 1120, etc.) and check the appropriate box below. Enter only one tax form number per request. ►
- a** Return Transcript, which includes most of the line items of a tax return as filed with the IRS. A tax return transcript does not reflect changes made to the account after the return is processed. Transcripts are only available for the following returns: Form 1040 series, Form 1065, Form 1120, Form 1120A, Form 1120H, Form 1120L, and Form 1120S. Return transcripts are available for the current year and returns processed during the prior 3 processing years. Most requests will be processed within 10 business days. ☐
  - b** Account Transcript, which contains information on the financial status of the account, such as payments made on the account, penalty assessments, and adjustments made by you or the IRS after the return was filed. Return information is limited to items such as tax liability and estimated tax payments. Account transcripts are available for most returns. Most requests will be processed within 30 calendar days. ☐
  - c** Record of Account, which is a combination of line item information and later adjustments to the account. Available for current year and 3 prior tax years. Most requests will be processed within 30 calendar days. ☐
  - 7** Verification of Nonfiling, which is proof from the IRS that you did not file a return for the year. Current year requests are only available after June 15th. There are no availability restrictions on prior year requests. Most requests will be processed within 10 business days. ☐
  - 8** Form W-2, Form 1099 series, Form 1098 series, or Form 5498 series transcript. The IRS can provide a transcript that includes data from these information returns. State or local information is not included with the Form W-2 information. The IRS may be able to provide this transcript information for up to 10 years. Information for the current year is generally not available until the year after it is filed with the IRS. For example, W-2 information for 2007, filed in 2008, will not be available from the IRS until 2009. If you need W-2 information for retirement purposes, you should contact the Social Security Administration at 1-800-772-1213. Most requests will be processed within 45 days. ☐

**Caution.** If you need a copy of Form W-2 or Form 1099, you should first contact the payer. To get a copy of the Form W-2 or Form 1099 filed with your return, you must use Form 4506 and request a copy of your return, which includes all attachments.

- 9** Year or period requested. Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than four years or periods, you must attach another Form 4506-T. For requests relating to quarterly tax returns, such as Form 941, you must enter each quarter or tax period separately.

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax information requested. If the request applies to a joint return, either husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506-T on behalf of the taxpayer. **Note.** For transcripts being sent to a third party, this form must be received within 120 days of signature date.

Telephone number of taxpayer on line 1a or 2a

**Sign Here**

Signature (see instructions)

Date

Title (if line 1a above is a corporation, partnership, estate, or trust)

Spouse's signature

Date

United States Air Force  
c/o Laurence M. Groner  
Office of General Counsel (SAF/GCN)  
1740 Air Force Pentagon  
Washington, DC 20330-1740

Union Pacific Railroad Company  
c/o Rami S. Hanash, Esq.  
Law Department - MS 1580  
1400 Douglas Street  
Omaha, Nebraska 68179

United States Air Force  
c/o Laurence M. Groner  
Office of General Counsel (SAF/GCN)  
1740 Air Force Pentagon  
Washington, DC 20330-1740

Patrick Collins, Hydrogeologist  
Wisconsin DNR Service Center  
890 Spruce St.  
Baldwin, Wisconsin 54002

United States Air Force  
c/o Laurence M. Groner  
Office of General Counsel (SAF/GCN)  
1740 Air Force Pentagon  
Washington, DC 20330-1740

Durable Coatings Corporation  
c/o Regis Michrina, Chief Exective  
Officer  
170 Selig Drive SW  
Atlanta, Georgia 30336